

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DANIEL HINES,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

: CR 04-2 E
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CIVIL NO. 06-152 E

ORDER OF COURT

AND NOW, to-wit, this 9th day of February, 2007, upon consideration of the Defendant's Motion Under 28 USC § 2255 To Vacate, Set Aside, or Correct Sentence, it is hereby Ordered that said Motion is hereby Granted.

The Parties stipulate and the Court finds that the 2 level increase in Hines' offense level for possession of a firearm pursuant to U.S.S.G. § 2D1.1 (b)(1) should be stricken from the Judgment of Sentence entered on August 4, 2005 with all other provisions of the Judgment remaining intact. Upon the entry of this Order, an Amended Judgment will issue at United States v. Hines, Criminal No.: 04-2 Erie.

It is further Ordered that no Certificate of Appealability shall issue in this matter pursuant to Title 28, U.S.C. § 2253 upon agreement of the parties.

BY THE COURT,

_____, J.

THE HONORABLE SEAN J. McLAUGHLIN